

## **PROBATE CALENDAR NOTES**

**June 17, 2022**

**8:30 AM, Department 40**

**Placer County Superior Court**

Published June 13, 2022, 8:00 AM

**For current local court COVID-19 information, visit:**  
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**See Emergency Local Rule 10.28 & Local Rule 10.24 concerning remote appearances. Local Rule 10.27, "eDelivery/eFiling," requires electronic filing of documents by attorneys and represented parties.**

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **June 17, 2022, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Remote appearances are generally available for this calendar, as provided in the Local Rules.

Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time and will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

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**1. S-PR-0007299 Nunez, Ida - In Re the Estate of**

Missing notice of hearing for trustee account, request to release funds from court trust, for attorney fees, and to approve distribution. Missing service of notice of hearing. Missing supplement to petition re attorney fees.

**2. S-PR-0008100 2001 Marco Ramos Rev Trust; In Re the**

Appearance is required for continued status hearing. Current status is needed.

**3. S-PR-0009665 Kukuza, Philip E. - In Re Estate of**

1st account / report, petition for preliminary distribution

Appearance is required for continued status hearing on 1st account / report, petition for preliminary distribution.

Petition to remove personal representative

Missing citation to personal representative, Prob.C. § 8500(b). Missing service of citation to personal representative. The § 8500 removal procedures do not include filing and service of notice of hearing. The court notes that personal representative appears to have made a response to the petition as part of her petition for final distribution.

2d / final account, petition for final distribution

Appearance is required for continued hearing on 2d / final account, petition for final distribution. Multiple revisions have been filed since the initial filing.

Response by Nicholas Kukuza

**4. S-PR-0009846 Rondario, Pauline Marie - In re the Estate of**

Missing account in format required by Prob.C. §§ 1060-1064. Credits and charges do not balance. Inventoried properties are not "income receipts" to the estate. Disbursements as stated in summary of account (petition, p. 4) conflict with disbursements as stated in Exhibit A.

Proposed distribution is contrary to law in several ways:

First, failure to locate R Moret and P Moret does not cause their shares to fail. To the contrary, their shares are to be paid to the county treasurer pursuant to Prob.C. § 11851(a). Note: they are not parties to the agreement to assign interests to Vanacore International.

Second, petitioner has alleged conflicting and incomplete information concerning decedent and his heirs. In the initial petition filed August 7, 2019, petitioner identified 8 nieces and nephews as heirs of decedent, 3 of whom (M Woodman, J Regis, C Alo) are issue of at least 2 unnamed, predeceased siblings of decedent, and 5 of whom (E Lagaspi, R Castillo, M Vogan, R Moret, P Moret) are issue of 1 or more unnamed, postdeceased sisters of decedent. In a declaration filed September 25, 2019, petitioner names 7 siblings, 2 of whom (J Castillo, L Lagaspi) survived decedent, and 5 of whom (M Lafargue, J Lafargue, E Lafargue, D Lafargue, E Regis) predeceased decedent. This document indicates that M Vogan, R Moret, and P Moret are children of J Castillo, and that E Lagaspi is the child of L Lagaspi. This document does not identify the parent(s) of M Woodman, C Alo, or R Castillo. The final distribution petition filed March 8, 2022, adds A Regis as yet an additional nephew, with no explanation as to his parentage or why he was never named or

served in prior proceedings. This conflicting information is insufficient to determine heirs of decedent, as further explained below.

Third, issue of the siblings who survived decedent not heirs of decedent. Instead, the estate of each surviving sibling takes an applicable share of this estate. Prob.C. §§ 6402(c) & 240. Petitioner provides no legal basis for distribution to issue of J Castillo or L Lagaspi rather than to the Castillo and Lagasphi estates, and petitioner has not identified or served a personal representative of either estate. In the same light, the information about other relatives of decedent is insufficient to apply §§ 6402(c) & 240 to determine the distributive shares, if any, of M Woodman, J Regis, C Alo, R Castillo, or A Regis.

Although petitioner does not address Prob.C. § 11604(a), it is recommended determine the agreement to assign interests to Vanacore International is reasonable as to those heirs executing the agreement. Note that no one acting for the estates of J Castillo or L Lagaspi appears to have executed the agreement.

**5. S-PR-0010031 Flynn, Eileen - In Re Conservatorship of**

Appearance is required for continued hearing on 2d / final conservator account.

Note: any further continuances of this matter should be to the conservatorship calendar. Missing separate pre- and post-death accounts, required by Prob.C. § 2620(b).

**6. S-PR-0010579 Grant Fam Trust; In re the**

Petition to compel trustee account and remove trustee

This matter should be dropped. Petitioner withdrew the petition as of December 1, 2021, and recently filed a status report requesting the matter be dropped.

Trustee account

Appearance is required for continued hearing on trustee account.

Note that prior objections were withdrawn as of December 1, 2021. The status report by Pamela Grant does not indicate whether trustee requests the account be dropped.

**7. S-PR-0010712 Higgins, Terry Barret - In Re the Estate of**

No appearance is required for status hearing. Evidence of opening the required estate blocked account was provided to the court.

**8. S-PR-0010734 Kirkwood, Mary Louise ; In Re the Estate of**

Revision needed: ordinary fees are incorrectly calculated. Fee calculations use the I&A value for real property but also include proceeds from foreclosure sale as receipts. Proceeds from sale are not receipts; instead, they are part of the change in form of assets

represented by costs / expenditures of sale, gain or loss on sale, and proceeds from the sale, and do not increase the fees base.

It is recommend extraordinary fees be denied. Foreclosure is not an act of administration of the estate by personal representative or counsel, and whatever services counsel provided appear to have resulted in a loss on sale of more than \$150,000. Personal representative and counsel do not show any other results of counsel's services or how such substantial losses benefitted the estate. C.R.C. 7.702(2)-(3).

**9. S-PR-0010750 Johnson, Dan Allen; In Re the Estate of**

Missing proof of publication of notice of hearing for petition to administer estate.

**10. S-PR-0010754 New Jerry Vincent Whisler Liv Trust; In re the**

Petition to determine trust property (M Garcia)

No appearance is required on petition to determine trust property. This matter appears to have been fully resolved by the judgment filed April 21.

Petition to determine validity of instruments and for other relief (M Whisler & C Noble)

Appearance is required for hearing on continued petition to determine validity of instruments and for other relief (M Whisler & C Noble).

Despite previous filing of notice of settlement of entire action, the prior stipulation and the judgment filed April 21 do not resolve this petition.

**11. S-PR-0010958 In Re the Ava Jean Brumbaum Trust**

Appearance is required for continued hearing on petition to determine trust property and for other relief.

Appearance is required for hearing on trustee account. Missing trustee signatures and verifications, Prob.C. §§ 1020-1021.

**12. S-PR-0011007 In Re the Estate of Smith, Janet Marie**

Petition for final distribution is recommended for approval as prayed.

**13. S-PR-0011149 In Re the Nickey Fam Trust**

Appearance is required for hearing on petition to remove trustees and for other relief.

It is recommended the court order trustees to account from January 2019 through December 2021. The court's authority to order an account upon trustee misfeasance does not depend on and is not affected by potential waiver of account by petitioner. The court may also order an account under its broad powers under Prob.C. § 17206.

**14. S-PR-0011250 In Re the Estate of Wagenleitner, Sharmyn**

Missing notice of hearing for amended petition to administer estate. Missing service of notice of hearing. Missing publication of notice of hearing.

**15. S-PR-0011262 In Re the Maria Martinez Irrevocable Trust**

Appearance is required for continued hearing on petition to compel participation in alternative dispute resolution under settlement agreement.

**16. S-PR-0011270 In Re the Estate of Burdine, Bobby**

Court determination is needed as to sufficiency of publication: notice as published and as republished omits applicable ¶ 4 concerning admission of a will to probate.

**17. S-PR-0011293 In Re the William N & Rosemary Farac Rev Trust**

Appearance is required for hearing on petition for instructions and other relief.

**18. S-PR-0011324 In Re the Estate of Flournoy, Miller A., Jr.**

Missing request for bond or request to waive bond (¶ 2d / Attachment 2d).

**19. S-PR-0011409 In Re the Johnson Fam Trust**

Missing 30 days' personal service of notice of hearing with copy of the petition to Scott Sutherland.